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July 25, 2007

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Six Pages Attached

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And

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Attorney for Defendant
Yellow Transportation, Inc.
4801 Main Street, Suite 1000
Kansas City, MO 64112

Attn: Kenneth Hoffman, Esq.

RE: National Subrogation Services v. Yellow Transportation
Index No.: 07 CV 4817 (VM)
Our Ref.: 07-S-001-LS

Dear Counsel:

Attached is a Notice of Initial Conference in the above referenced matter. We are sending you a copy of this notice pursuant to court order.

Very truly yours,

BADIAK & WILL LLP

Lisa A. SCOGNAMILLO

LAS/lmw

Enc.

cc: **VIA TELEFAX AND ECF - 212-805-6382**

Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007
(w/o enc.)

Lisa Ann Scognamillo

From: NYSD_ECF_Pool@nysd.uscourts.gov

Sent: Wednesday, July 25, 2007 2:11 PM

To: deadmail@nysd.uscourts.gov

Subject: Activity in Case 1:07-cv-04817-VM National Subrogation Services, LLC v. Yellow Transportation, Inc. Order

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court**United States District Court for the Southern District of New York****Notice of Electronic Filing**

The following transaction was entered on 7/25/2007 at 2:10 PM EDT and filed on 7/25/2007

Case Name: National Subrogation Services, LLC v. Yellow Transportation, Inc.

Case Number: 1:07-cv-4817

Filer:

Document Number: 8

Docket Text:

NOTICE OF INITIAL CONFERENCE: Counsel for all parties are directed to appear for an initial case management conference set for 7/27/2007 at 4:30 PM in Courtroom 20B, 500 Pearl Street, New York, NY 10007 before Judge Victor Marrero. COUNSEL FOR PLAINTIFF IS DIRECTED TO IMMEDIATELY SEND A COPY OF THIS NOTICE TO ALL PARTIES. Requests for adjournment of the conference will be considered only if made in writing and otherwise in accordance with Judge Marrero's Rules. (Signed by Judge Victor Marrero on 7/24/07) (tro)

1:07-cv-4817 Notice has been electronically mailed to:

Lisa Ann Scognamillo lscognamillo@badiakwill.com

William David Bierman wbierman@nakblaw.com

1:07-cv-4817 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1008691343 [Date=7/25/2007] [FileNumber=3617310-0
] [7bacd77fd19fdccb302f7f649eed6da855c7dbe857f7d9be54d4e292de2fdfaa748
7aa279f749c25929fc5b2e400e11a789e647ce9b429e822143f87d33e67f1]]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATIONAL SUBROGATION SERVICES, LLC,

Plaintiff(s),

— against —

YELLOW TRANSPORTATION, INC.,

Defendant(s).

NOTICE
OF INITIAL CONFERENCE

07 Civ. 4817 (VM)

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7-25-07

VICTOR MARRERO, United States District Judge.

Counsel for all parties are directed to appear before the Honorable Victor Marrero for an initial case management conference, in accordance with Rule 16 of the Federal Rules of Civil Procedure on July 27, 2007 at 4:30 p.m. in Courtroom 20B at the United States Courthouse, 500 Pearl Street, New York, New York. **COUNSEL FOR PLAINTIFF IS DIRECTED TO IMMEDIATELY SEND A COPY OF THIS NOTICE TO ALL PARTIES.** Principal trial counsel must appear at this and all subsequent conferences.

The parties are directed to submit a joint letter five business days prior to the conference addressing the following in separate paragraphs: (1) a brief description of the case, including the factual and legal bases for the claim(s) and defense(s); (2) any contemplated motions; (3) the prospect for settlement; and (4) whether the parties consent to proceed for all purposes before the Magistrate Judge designated for this action.

The parties are directed to bring a completed Case Management Plan (form enclosed) to the conference. The Case Management Plan must provide that discovery is to be completed within four months unless otherwise permitted by the Court.

Counsel are directed to review Judge Marrero's Individual Rules. The Rules may be obtained at the Clerk's/Cashier's Office on the first floor of the United States Courthouse, 500 Pearl Street, New York, New York, or by visiting the Court's internet site at www.nysd.uscourts.gov. **Requests for adjournment of the conference will be considered only if made in writing and otherwise in accordance with Judge Marrero's Rules.**

Dated: July 24, 2007
New York, New York



VICTOR MARRERO
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
:
Plaintiff(s), :
:
: Civ. _____ (VM)
- against - :
:
: CIVIL CASE MANAGEMENT PLAN
Defendant(s). : AND SCHEDULING ORDER
----- X

This Scheduling Order and Case Management Plan is adopted in accordance with Fed. R. Civ. P. 16-26(f).

1. This case (is)(is not) to be tried to a jury: [circle one]
2. Joinder of additional parties to be accomplished by _____.
3. Amended pleadings may be filed without leave of the Court until _____.
4. Initial disclosure pursuant to Fed. R. Civ. P. 26(a)(1) to be completed within fourteen (14) days of the date of the parties' conference pursuant to Rule 26(f), specifically by not later than _____.
5. All fact discovery is to be completed either:
 - a. Within one hundred twenty (120) days of the date of this Order, specifically by not later than _____; or
 - b. Within a period exceeding 120 days, with the Court's approval, if the case presents unique complexities or other exceptional circumstances, specifically by not later than _____.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties are certain that they can still meet the discovery completion date ordered by the Court.
 - a. Initial requests for production of documents to be served by _____.
 - b. Interrogatories to be served by all party by _____.
 - c. Depositions to be completed by _____.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. Depositions of all parties shall proceed during the same time.
 - iii. Unless the parties agree or the Court so orders, non-party depositions shall follow party depositions when possible.
 - d. Any additional contemplated discovery activities and the anticipated completion date:

e. Requests to Admit to be served no later than _____.

7. All expert discovery (ordinarily conducted following the completion of fact discovery) including parties' expert reports and depositions, witness lists and identification of documents pursuant to Fed. R. Civ. P. 26(a)(2), (3) and 35(b), is to be completed by:

a. Plaintiff _____.

b. Defendant _____.

8. Contemplated motions:

a. Plaintiff: _____

b. Defendant: _____

9. Following all discovery, all counsel must meet for at least one hour to discuss settlement, such conference to be held by not later than _____.

10. Do all parties consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c)?

Yes _____ No _____

TO BE COMPLETED BY THE COURT:

11. The next Case Management Conference is scheduled for _____.

In the event the case is to proceed to trial, a firm trial date and the deadline for submission of the Joint Pretrial Order and related documents shall be scheduled at the pretrial conference following either the completion of all discovery or the Court's ruling on any dispositive motion.

The Joint Pretrial Order should be prepared in accordance with Judge Marrero's Individual Practices. If this action is to be tried before a jury, proposed voir dire and jury instructions shall be filed with the Joint Pretrial Order. No motion for summary judgment shall be served after the deadline fixed for the Joint Pretrial Order.

SO ORDERED:

DATED: New York, New York

VICTOR MARRERO
U.S.D.J.